

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KIMBERLY EDWARDS

PLAINTIFF

v.

CAUSE NO. 3:18CV135-LG-LRA

DR. DAVID SEAGO

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING IN FORMA PAUPERIS STATUS,
AND DISMISSING CASE**

BEFORE THE COURT is the [3] Report and Recommendation of Magistrate Judge Linda R. Anderson. Judge Anderson reviewed Plaintiff's application to proceed in forma pauperis and the allegations of Plaintiff's Complaint. Judge Anderson found that Plaintiff was a pauper and should be allowed to proceed without prepayment for fees. However, the allegations of Plaintiff's Complaint did not establish either diversity or federal question jurisdiction, since they concern state law medical malpractice claims filed against a non-diverse defendant. Accordingly, Judge Anderson recommended that the [2] Motion to Proceed In Forma Pauperis be granted, and the case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 12(h)(3) for lack of subject-matter jurisdiction. Plaintiff was advised she could file objections within fourteen days of receiving the Report and Recommendation.

The Report and Recommendation was mailed to Plaintiff at her address of record on March 7, 2018, and there has been no response or objection filed. Therefore, the Court need only review the Report and Recommendation and

determine whether it is either clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After having reviewed the Report and Recommendation, the record in this case, and the relevant law, the Court finds that Judge Anderson's conclusions are neither clearly erroneous nor contrary to law. The Court will grant Plaintiff in forma pauperis status and dismiss this case without prejudice.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [3] of United States Magistrate Judge Linda R. Anderson entered in this cause on March 7, 2018, should be, and the same hereby is, **ADOPTED** as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's [2] Motion to Proceed In Forma Pauperis is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 12(h)(3) for lack of subject-matter jurisdiction. A separate judgment will enter.

SO ORDERED AND ADJUDGED this the 29th day of March, 2018.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE